

# HOUSE BILL 16

A2, E2

(PRE-FILED)

2lr0912  
CF SB 106

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By: **Delegate Haddaway-Riccio**

Requested: November 10, 2011

Introduced and read first time: January 11, 2012

Assigned to: Economic Matters

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Committee Report: Favorable

House action: Adopted

Read second time: March 13, 2012

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Talbot County – Alcoholic Beverages Violations – Issuance of Citations**

3 FOR the purpose of authorizing certain alcoholic beverages inspectors in Talbot  
4 County to issue citations for certain alcoholic beverages violations; and  
5 generally relating to the issuance of citations for alcoholic beverages violations  
6 by alcoholic beverages inspectors in Talbot County.

7 BY repealing and reenacting, with amendments,  
8 Article – Criminal Law  
9 Section 10–119  
10 Annotated Code of Maryland  
11 (2002 Volume and 2011 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article – Criminal Law**

15 10–119.

16 (a) (1) A person who violates §§ 10–113 through 10–115 or § 10–118 of  
17 this part shall be issued a citation under this section.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1           (2)    A minor who violates § 10–116 or § 10–117(a) of this part shall be  
2 issued a citation under this section.

3           (b)    A citation for a violation of §§ 10–113 through 10–115 or a violation of §  
4 10–118 of this part may be issued by:

5           (1)    a police officer authorized to make arrests;

6           (2)    in State forestry reservations, State parks, historic monuments,  
7 and recreation areas, a forest or park warden under § 5–206(a) or (b) of the Natural  
8 Resources Article; and

9           (3)    in Anne Arundel County, Frederick County, Harford County,  
10 Montgomery County, [and] Prince George’s County, **AND TALBOT COUNTY**, and only  
11 in the inspector’s jurisdiction, an alcoholic beverages inspector who investigates  
12 license violations under Article 2B of the Code if the inspector:

13           (i)    has successfully completed an appropriate program of  
14 training in the proper use of arrest authority and pertinent police procedures as  
15 required by the board of license commissioners; and

16           (ii)   does not carry firearms in the performance of the inspector’s  
17 duties.

18           (c)    A person authorized under this section to issue a citation shall issue it if  
19 the person has probable cause to believe that the person charged is committing or has  
20 committed a Code violation.

21           (d)    (1)   Subject to paragraph (2) of this subsection, the form of citation  
22 issued to an adult shall be as prescribed by the District Court and shall be uniform  
23 throughout the State.

24           (2)    The citation issued to an adult shall contain:

25           (i)    the name and address of the person charged;

26           (ii)   the statute allegedly violated;

27           (iii)  the location, date, and time that the violation occurred;

28           (iv)   the fine that may be imposed;

29           (v)    a notice stating that prepayment of the fine is not allowed;

30           (vi)   a notice that the District Court shall promptly send the  
31 person charged a summons to appear for trial;

1 (vii) the signature of the person issuing the citation; and

2 (viii) a space for the person charged to sign the citation.

3 (3) The form of citation issued to a minor shall:

4 (i) be prescribed by the State Court Administrator;

5 (ii) be uniform throughout the State; and

6 (iii) contain the information listed in § 3–8A–33(b) of the Courts  
7 Article.

8 (e) (1) Except for a citation subject to the jurisdiction of a circuit court,  
9 the issuing jurisdiction shall forward a copy of the citation and a request for trial to  
10 the District Court in the district having venue.

11 (2) (i) The District Court shall promptly schedule the case for trial  
12 and summon the defendant to appear.

13 (ii) Willful failure of the defendant to respond to the summons is  
14 contempt of court.

15 (f) (1) For purposes of this section, a violation of §§ 10–113 through  
16 10–115 or a violation of § 10–118 of this part is a Code violation and is a civil offense.

17 (2) A person charged who is under the age of 18 years shall be subject  
18 to the procedures and dispositions provided in Title 3, Subtitle 8A of the Courts  
19 Article.

20 (3) A person charged who is at least 18 years old shall be subject to the  
21 provisions of this section.

22 (4) Adjudication of a Code violation is not a criminal conviction for any  
23 purpose, and it does not impose any of the civil disabilities ordinarily imposed by a  
24 criminal conviction.

25 (g) In any proceeding for a Code violation:

26 (1) the State has the burden to prove the guilt of the defendant to the  
27 same extent as is required by law in the trial of criminal causes, and in any such  
28 proceeding, the court shall apply the evidentiary standards as prescribed by law or  
29 rule for the trial of criminal causes;

30 (2) the court shall ensure that the defendant has received a copy of the  
31 charges against the defendant and that the defendant understands those charges;

1           (3) the defendant is entitled to cross-examine all witnesses who  
2 appear against the defendant, to produce evidence or witnesses on behalf of the  
3 defendant, or to testify on the defendant's own behalf, if the defendant chooses to do  
4 so;

5           (4) the defendant is entitled to be represented by counsel of the  
6 defendant's choice and at the expense of the defendant; and

7           (5) the defendant may enter a plea of guilty or not guilty, and the  
8 verdict of the court in the case shall be:

9                   (i) guilty of a Code violation;

10                   (ii) not guilty of a Code violation; or

11                   (iii) before rendering judgment, the court may place the  
12 defendant on probation in the same manner and to the same extent as is allowed by  
13 law in the trial of a criminal case.

14           (h) (1) Except as provided in paragraph (2) of this subsection, if the  
15 District Court finds that a person has committed a Code violation, the court shall  
16 require the person to pay:

17                   (i) a fine not exceeding \$500; or

18                   (ii) if the violation is a subsequent violation, a fine not  
19 exceeding \$1,000.

20           (2) If the District Court finds that a person has committed a Code  
21 violation under § 10-117 of this subtitle, the court shall require the person to pay:

22                   (i) a fine not exceeding \$2,500; or

23                   (ii) if the violation is a subsequent violation, a fine not  
24 exceeding \$5,000.

25           (3) The Chief Judge of the District Court may not establish a schedule  
26 for the prepayment of fines for a Code violation under this part.

27           (i) When a defendant has been found guilty of a Code violation and a fine  
28 has been imposed by the court:

29                   (1) the court may direct that the payment of the fine be suspended or  
30 deferred under conditions that the court may establish; and

1           (2)    if the defendant willfully fails to pay the fine imposed by the court,  
2 that willful failure may be treated as a criminal contempt of court, for which the  
3 defendant may be punished by the court as provided by law.

4           (j)    (1)    The defendant is liable for the costs of the proceedings in the  
5 District Court and for payment to the Criminal Injuries Compensation Fund.

6           (2)    The court costs in a Code violation case in which costs are imposed  
7 are \$5.

8           (k)    (1)    In this subsection, “driver’s license” means a license or permit to  
9 drive a motor vehicle that is issued under the laws of this State or any other  
10 jurisdiction.

11           (2)    This subsection applies only to:

12                   (i)    a person who is at least 18 but under 21 years of age; or

13                   (ii)   a minor if the minor is subject to the jurisdiction of the  
14 court.

15           (3)    If a person is found guilty of a Code violation under § 10–113 of  
16 this part that involved the use of a driver’s license or a document purporting to be a  
17 driver’s license, the court shall notify the Motor Vehicle Administration of the  
18 violation.

19           (4)    The Chief Judge of the District Court, in conjunction with the  
20 Motor Vehicle Administrator, shall establish uniform procedures for reporting Code  
21 violations described in this subsection.

22           (l)    (1)    A defendant who has been found guilty of a Code violation has the  
23 right to appeal or to file a motion for a new trial or a motion for a revision of a  
24 judgment provided by law in the trial of a criminal case.

25           (2)    A motion shall be made in the same manner as provided in the  
26 trial of criminal cases, and the court, in ruling on the motion has the same authority  
27 provided in the trial of criminal cases.

28           (m)   (1)    The State’s Attorney for any county may prosecute a Code violation  
29 in the same manner as prosecution of a violation of the criminal laws of this State.

30           (2)    In a Code violation case the State’s Attorney may:

31                   (i)    enter a nolle prosequi in or place the case on the stet docket;  
32 and

1 (ii) exercise authority in the same manner as prescribed by law  
2 for violation of the criminal laws of this State.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 July 1, 2012.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.